

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1013J**, requested by Michael Bott on behalf of Dansid, L.L.C. (T.O. Haas Tire Store), to allow a driveway to be located in the required front yard of Lot 28, Trade Center West, generally located at S. 56th Street and Waltz Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/12/03
Administrative Action: 11/12/03

STAFF RECOMMENDATION: Conditional approval, as revised on 11/12/03.

RECOMMENDATION: Conditional approval, as revised on 11/12/03 (7-0: Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward voting 'yes'; Larson absent).

FINDINGS OF FACT:

1. This is a proposed amendment to Special Permit No. 1013 to allow a driveway to be located in the required front yard. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.5-6, concluding that, although the width of the proposed driveway exceeds similar adjacent driveways, the additional landscaping that is being proposed is consistent with the adequate protection of the environments of adjacent land uses.
2. At the public hearing before the Planning Commission on November 12, 2003, a correction was made to Condition #2 by staff, which permits the driveway to extend 29' 10" into the required front yard along South 56th Street, as requested by the applicant (See Minutes, p.9).
3. The applicant's testimony is found on p.9. The applicant indicated that this application is supported by the Trade Center West Association and the neighbor to the south, Kimco Self Storage.
4. There was no testimony in opposition.
5. On November 12, 2003, the Planning Commission agreed with the staff recommendation, as revised, and voted 7-0 to recommend conditional approval, as set forth in the staff report dated October 31, 2003, with the amendment to Condition #2 as recommended by staff.
6. The requirements of the Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 24, 2003

REVIEWED BY: _____

DATE: November 24, 2003

REFERENCE NUMBER: FS\CC\2003\SP.1013J

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 20, 2003 PLANNING COMMISSION MEETING

****As Revised by Staff and Recommended by Planning Commission: 11/12/03****

P.A.S.: Special Permit 1013J

PROPOSAL: Amend Special Permit #1013 to allow a driveway to be located in the required front yard of Lot 28, Trade Center West.

LOCATION: South 56th Street and Waltz Road

LAND AREA: 1.1 acres, more or less.

CONCLUSION: Although the width of the proposed driveway exceeds similar adjacent driveways, the additional landscaping that is being proposed is consistent with the adequate protection of the environments of adjacent land uses.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lot 28, Block 1, Country Place 4th Addition, located in the NW1/4 of Section 16 T9N R7E, Lancaster County, Nebraska.

EXISTING ZONING: H-4 General Commercial

EXISTING LAND USE: Service station.

SURROUNDING LAND USE AND ZONING:

North:	Commercial	H-4 General Commercial
South:	Commercial	H-4 General Commercial
East:	Commercial	H-4 General Commercial
West:	Commercial	H-4 General Commercial
	Recreational facility	R-1 Residential

HISTORY:

May 2002 Administrative Amendment #02033 approved a transfer of 1,210 square feet of floor area from service commercial to warehouse.

Feb 2002 Administrative Amendment #02011 approved a revised parking area layout.

Feb 2002	Administrative Amendment #02010 approved revised use designations and a transfer of 4,195 square feet of floor area from warehouse to service commercial.
Feb 1997	Administrative Amendment #96009 approved a revised parking area and driveway configuration.
Jun 1990	Administrative Amendment #90038 approved the exclusion of drive-thru restaurants from Special Permit #1013A.
Jun 1990	Administrative Amendment #90033 approved a revised lot and parking area configuration.
Jun 1990	Administrative Amendment #90022 approved a revised lot configuration and a transfer of 4,289 square feet of floor area from service commercial to warehouse.
Aug 1989	Administrative Amendment #682 approved transferring 2,225 square feet of floor area from service commercial to warehouse.
Jul 1989	Administrative Amendment #680 approved a site plan revision.
Jun 1989	Administrative Amendment #670 removed an access easement one of the lots.
Jun 1989	Administrative Amendment #667 approved revisions to the parking layout.
Mar 1989	Administrative Amendment #641 approved the relocation of a building and the provision of additional drainage improvements.
Dec 1988	Administrative Amendment #630 approved revisions to the parking and building areas.
Aug 1988	Administrative Amendment #600 removed the reference to "lumber yard" from Lots 1-12.
Feb 1988	Administrative Amendment #578 approved an increase of floor area one lot and floor area reductions to 13 other lots.
Jan 1988	Administrative Amendment #577 approved a revised parking configuration.
Aug 1987	Administrative Amendment #556 approved a revised parking configuration.
Nov 1986	Administrative Amendment #524 approved transfer of 2,000 square feet of floor area from warehouse to service commercial.
Sep 1986	Special Permit #1013A approved the expansion of the planned service commercial area (Trade Center) to include property on the west side of the railroad tracks. This permit included 69,250 square feet of general service commercial uses, and 70,400 square feet of warehouse space.

Aug 1986	Final Plat #86205 Country Place 4 th Addition approved 28 commercial lots.
Feb 1983	Change of Zone #2013 approved changing the zoning from AGR Agricultural Residential to H-4 General Commercial.
Apr 1982	Change of Zone #1936 withdrawn. This application proposed changing the zoning from AGR Agricultural Residential to H-4 General Commercial.
Feb 1981	Change of Zone #1859 denied changing the zoning from AGR Agricultural Residential to I-1 Industrial.
May 1979	The zoning changed from AA Rural and Public Use to AGR Agricultural Residential as part of the update.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan shows this area as Commercial. (F 25)

Commercial: Areas of retail, office, and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 22)

TRAFFIC ANALYSIS:

This site sits along the east side of South 56th Street, approximately 3 blocks south of Old Cheney road. The Comprehensive Plan shows South 56th Street as a Minor Arterial now, and a Principal Arterial in the future. (E 49, F 103) This portion of South 56th Street is planned to be widened to a 4 lanes plus turn lane cross section. However, the typical right-of-way width of 120' for such a cross section is not planned, rather 100' is identified on the Right-of-Way Standards map. (F 112) The current right-of-way is 100'.

Minor Arterials: This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

Principal Arterials: This functional class of street serves the major portion of through-traffic entering and leaving the urban area and is designed to carry the highest traffic volumes. These serve intra-area traffic such as between the CBD and outlying residential areas and traffic between major inner-city communities or suburban centers. Included in this class are fully controlled access facilities and partially controlled access facilities. (Principal Arterial are divided into two categories. South 56th Street is classified as "Other.")

Other Principal Arterials: This functional class of street serves the major portion of intercommunity and intracommunity traffic movement within the urban area and is designed to carry high traffic volumes. For other principal arterials, the concept of service to abutting land is subordinate to serving major traffic movements. Facilities within this classification are capable of providing direct access to adjacent land but such service is to be incidental to the primary functional responsibility of moving traffic within this system. (F 102)

Additional Urban Area System Improvements include a wide range of projects for which the City has already committed funds, as well as longer term projects that do not have specifically earmarked funding. Committed Projects include improving South 56th Street to 4 lanes plus turn lanes from Old Cheney Road to Pine Lake Road. (F 109)

AESTHETIC CONSIDERATIONS:

The portion of South 56th Street adjacent to this property has a 50' right-of-way from centerline. The portion of South 56th Street south of here has a 33' right-of-way from centerline. The property to the south of this one is developed as a self-storage facility. Since there is only 33' of right-of-way, the building line district requires a 50' separation between centerline and the front yard. The result is the front yards for each of these properties starts 50' from the centerline of South 56th Street. Through a special permit for the storage facility the City Council granted an encroachment into the front yard of 14'-6" for an access driveway, thereby providing an effective front yard of 35'-6".

Across South 56th Street to the west is a planned service commercial area. On the west side, South 56th Street has a right-of-way 50' from centerline. Under the special permit, the front yard setback was reduced from 50' to 30'.

Applicant proposes to construct a driveway encroaching 29'-10" into the front yard, leaving an effective front yard of approximately 20'.

ANALYSIS:

1. This is an application to amend a special permit to allow a driveway to be located in the required front yard.
2. LMC § 27.63.470 Special Permit: Planned Service Commercial provides:
 - (d) The City Council may increase or decrease the height and area regulations and the floor area to land area ratios otherwise applicable in the H-4 General Commercial District, consistent with adequate protection of the environments of adjacent land uses.
3. The H-4 Commercial district requires a 50' front yard.
4. LMC §27.71.030 is an area regulation, and states:

A driveway shall be permitted within the required front and side yards only if the driveway provides a connection to a parking space that is or will be located as permitted in this title, or if the driveway provides access to gasoline pump islands, or if the driveway is located in the B-1, H-1, H-2, or H-3 zoning district and the driveway provides an exit from a drive-in or drive-through facility.
5. This facility does not meet any of the exceptions allowing a driveway in the front yard.
6. The use of this facility has existed for some time, and the volume of customers appears to have increased. Applicant states the proposed driveway would allow more efficient use of the existing building, and more customers will be able to be served. Also, the driveway will improve the drainage of storm water away from the building.
7. Since this is a driveway and not a parking lot, there is no landscape screening requirement. However, Applicant proposes a landscape screen exceeding what would be required for a parking lot.

8. The location of this proposed driveway will reduce the required front yard by more than half. A reduction by this amount is out of character with previous reductions granted along this area of South 56th Street. However, Applicant has offered to mitigate any negative impacts with landscaping that exceeds design standards.
9. Applicant has stated the width of the proposed driveway is needed to maneuver vehicles into and out of the building.
10. The existing concrete pads do not appear on any approved site plan for this property. They must be removed.
11. Parking or stacking of vehicles is not a permitted use in the required front yard.
12. Corrections to the drawings are required. Also, the Parks and Recreation Department will require revisions to the drawings, including tree species substitutions.
13. The owner never completed the landscaping shown on the approved landscape plan.

The Planning Department recommends approval to this application based upon the following conditions.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Submit certified information from an abstractor or an attorney indicating the current record owner(s) of all land within the limits of this application.
 - 1.2 Revise Sheet C1.2 to show:
 - 1.2.1 Remove the first paragraph under the Surveyor's Certificate.
 - 1.2.2 Remove one instance of "Block 1" from the Legal Description.
 - 1.2.3 Change the word "Spacing" to "Spread" in both landscape schedules.
 - 1.2.4 Correct the spelling of "Picea Pungens."
 - 1.2.5 Scotch Pine and Snowdrift Crabapple trees must be replaced with suitable alternatives approved by the Parks and Recreation Department.
 - 1.2.6 Show the connection of the existing parking area to the proposed driveway.

- 1.2.7 Revise the Lot 28 Waiver table to state neither parking nor stacking of vehicles is allowed on the driveway in the required front yard.
- 1.3 Submit surety in an amount to be determined by the Parks and recreation Department to guarantee the installation of the landscaping shown on the approved landscape plan.
2. This approval permits a driveway to extend ~~14'-6"~~ 29' 10" into the required front yard along South 56th Street. (****As revised by staff and recommended by Planning Commission: 11/12/03****)
3. The driveway shall not be used for parking or stacking of vehicles.

General:

4. Before receiving building permits:
 - 4.1 The permittee shall have submitted a revised final plan including 5 copies and the plans are acceptable.
 - 4.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 Before using the driveway all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately alternative approved by the City Attorney.
 - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Greg Czaplewski
Planner

Date: October 31, 2003

Applicant: T.O. Haas Tire Store
5900 South 56th Street
Lincoln, NE 68516
420.6900

Owner: Dansid, L.L.C.
2400 "O" Street
Lincoln, NE 68510
474.1525

Contact: Michael Bott
1540 South 70th Street, Suite 102
Lincoln, NE 68506
483.4024

SPECIAL PERMIT NO. 1013J

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 12, 2003

Members present: Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward; Larson absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Greg Czaplewski of Planning staff submitted a revision to Condition #2: This approval permits a driveway to extend ~~14' 6"~~ 29' 10". The 14' 6" is a number that came from another part of the analysis. This 29' 10" is what the applicant has requested and which the staff recommends be approved.

Proponents

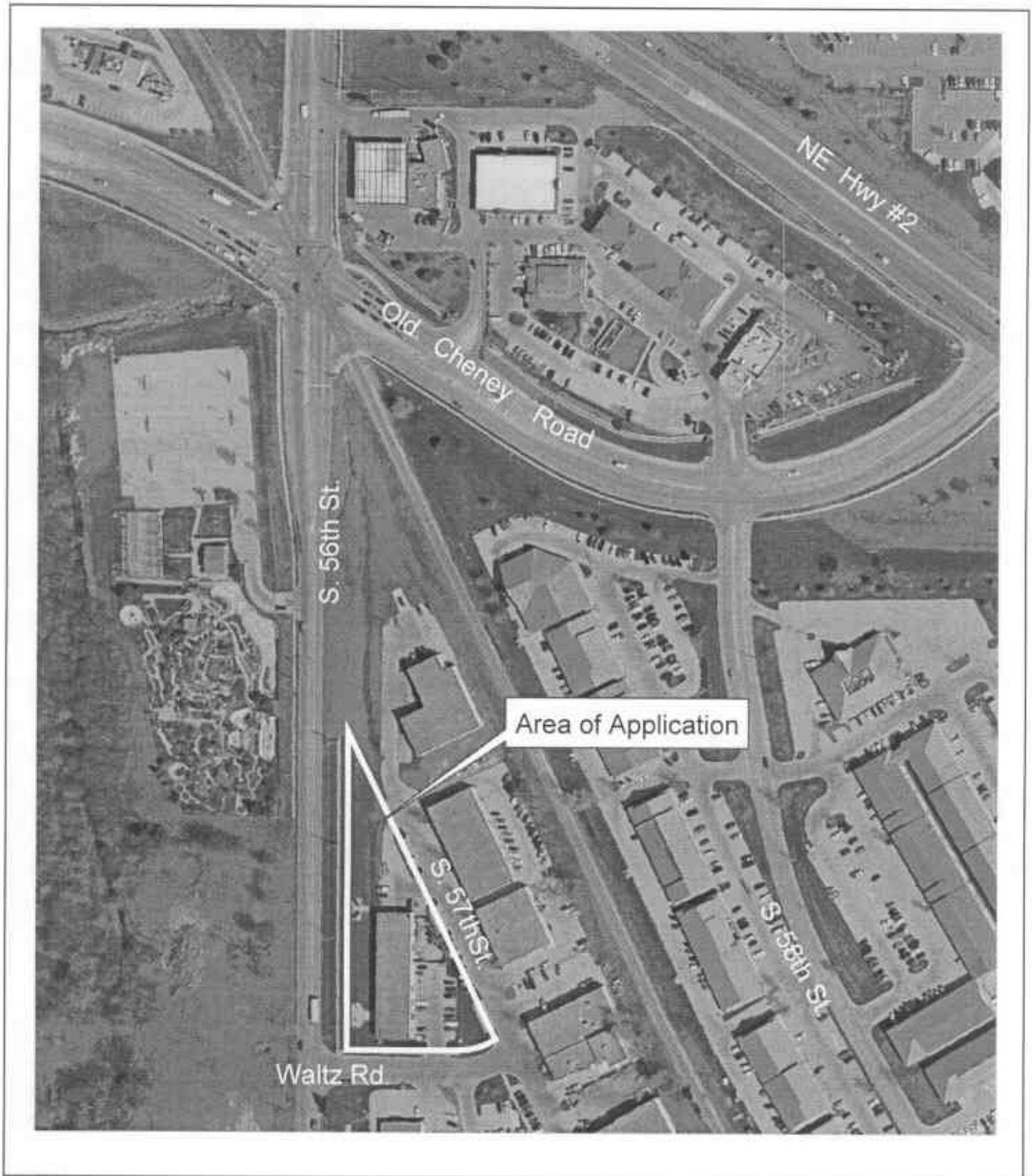
1. **Randy Haas** presented the application on behalf of Dansid, L.L.C., indicating that they do have support from the Trade Center West Association as well as the neighbor to the south, Kimco Self Storage.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 12, 2003

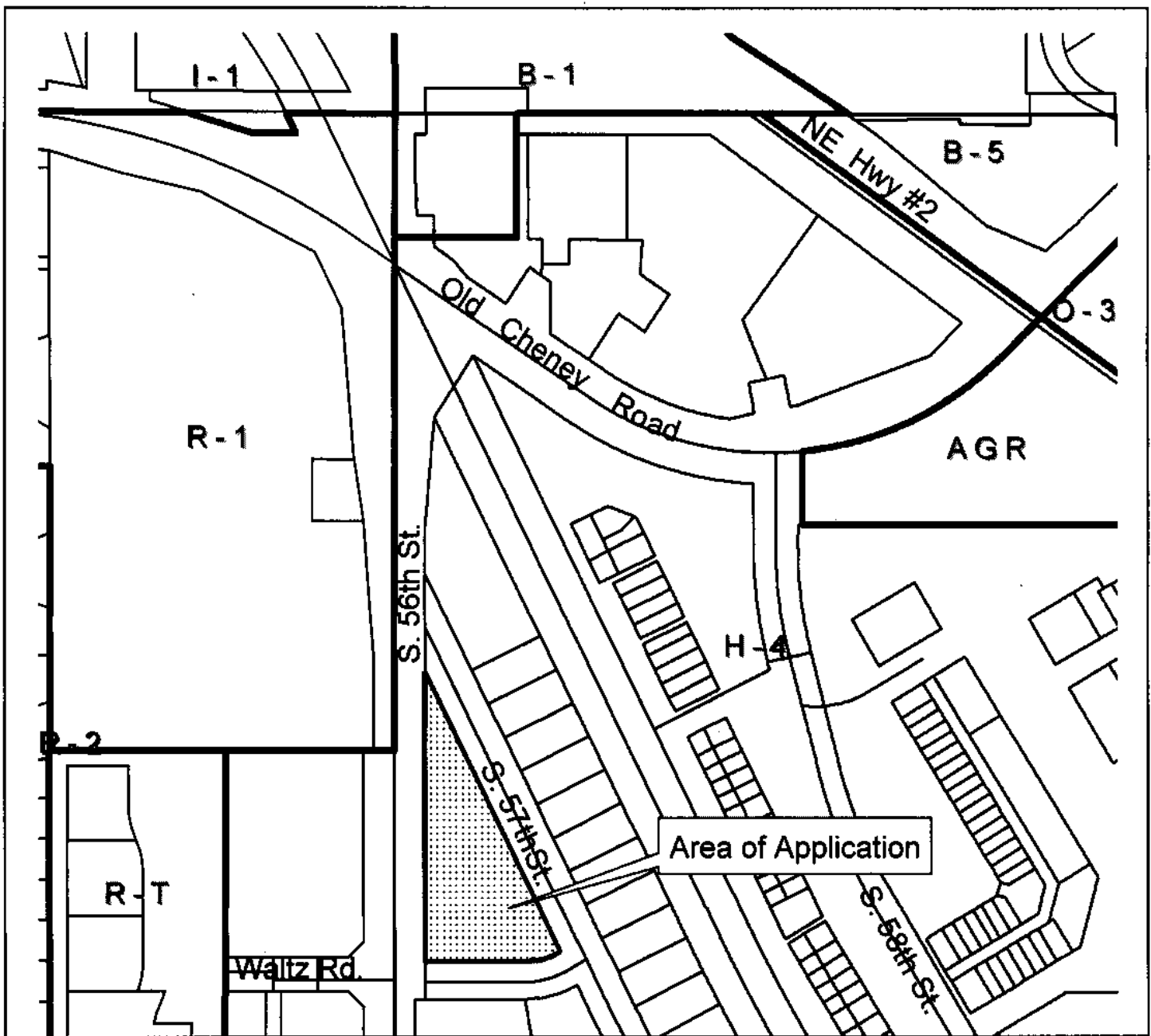
Bills-Strand moved to approve the staff recommendation of conditional approval, with the amendment to Condition #2 as revised by staff, seconded by Taylor and carried 7-0: Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward voting 'yes'; Larson absent.



Special Permit #1013J
S. 56th & Highway #2
T. O. Haas



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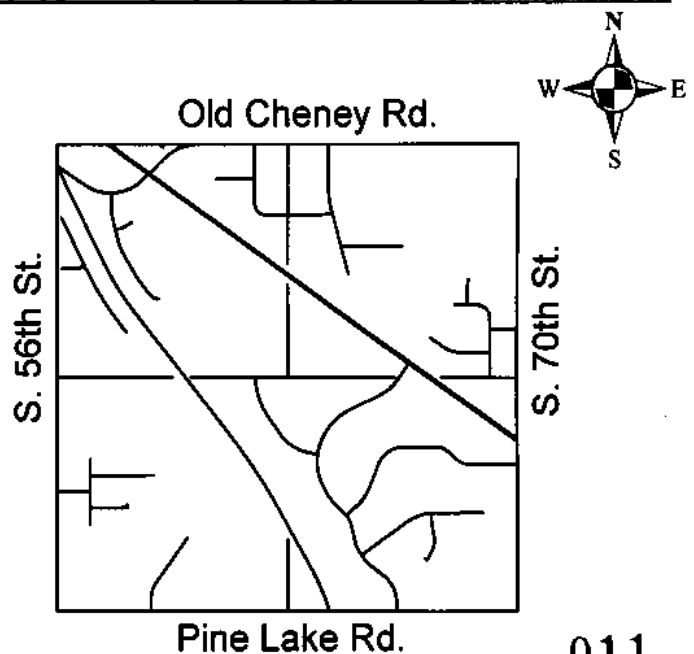
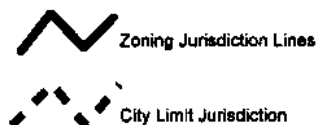


Special Permit #1013J
S. 56th & Highway #2
T. O. Haas

Zoning:

One Square Mile
 Sec. 16 T9N R7E

- R-1 to R-8 Residential District
 AG Agricultural District
 AGR Agricultural Residential District
 R-C Residential Conservation District
 O-1 Office District
 O-2 Suburban Office District
 O-3 Office Park District
 R-T Residential Transition District
 B-1 Local Business District
 B-2 Planned Neighborhood Business District
 B-3 Commercial District
 B-4 Lincoln Center Business District
 B-5 Planned Regional Business District
 H-1 Interstate Commercial District
 H-2 Highway Business District
 H-3 Highway Commercial District
 H-4 General Commercial District
 I-1 Industrial District
 I-2 Industrial Park District
 I-3 Employment Center District
 P Public Use District



011

Michael S. Bott & Associates Architects

Suite 102 Lincolnshire Square 1540 South 70th Street Lincoln, Nebraska 68506 Ph. 402/483-4024 Fax 402/483-4488

P.C.

October 13, 2003

Mr. Ray Hill
Planner
City Planning Department
555 S 10th Street
Lincoln, NE 68508

RE: **Request for Amendment to S.P. # 1013A - for T.O. Haas at 56th & Waltz Rd.**

Dear Ray,

Please find enclosed a check for ^{\$740}~~\$100.00~~ and six copies of sheets C1.1 and C1.2 showing our proposed conc. drive located in the required front yard at the T.O. Haas tire center in the Trade Center West H-4 commercial area, located at S. 56th and Waltz Rd. We have revised the preliminary drawings to show the plant material as requested.

There are two main reasons for our request. Primarily, the drive will allow the efficient use of an existing facility by accomodating access to the existing openings on the West side of the building. With this drive we will be able to service more cars with greater efficiency. As it is, the cars must drive thru the facility making much of the interior of the building a driveway.

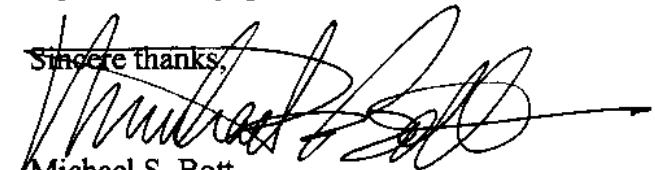
Secondly the slab is needed to remove rainwater at a more accelerated rate. As it is, the door at the South end of the building must be sand bagged to prevent the intrusion of water during thunderstorms.

I call your attention to the following additional considerations.

1. There are existing slabs on the West side of the building at the present, which extend closer to the 56th Street ROW than the proposed drive. These will be removed if the drive is built.
2. The storage building to the South of T.O. Haas, has a driveway that extends closer to 56th Street than our building.
3. The new development across 56th Street has a drive that extends closer to the ROW than our building.
4. There are no other buildings along 56th that would be impacted or be in a position to ask for similar consideration.
5. The neighbor to the South of our building, as well as the Trade Center Association have submitted letters of approval to the plan.

If you have any questions, or need any additional information, please let me know.

Sincere thanks,


Michael S. Bott
Architect
Encl.

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**ORIGINAL PLANT MATERIAL REQUIRED BY
PREVIOUS PERMIT (SHOWN SHADED)**

#	TOTAL/NEW	COMMON NAME/NOTACIAL NAME	SIZE	SPACING	HT	METHOD
A	2	Green ash/Horshill's Seedling (redish perennation) "L.S."	1-1/2"	+	30"	B B
B	5	Heavy Leaved/Chidester Scottish brownish bark	1-1/2"	+	35"	B B B
C	12	London, Redwood Tilia Eurhara	1-1/2"	30"	40"	B B B
D	10	Pine, Austrian Picea Narya	1-1/2"	30"	40"	B B B

AMENDMENT LANDSCAPE SCHEDULE

#	TOTAL/NEW	COMMON NAME/ANTHRAKIN NAME	SIZE	SPACING/HT METHOD
A	9	Green Armyworm's Swarms	1-1/2"	35' 50' 6" 8"
C	15	Money Launder/Reinwater	1-1/2"	32' 35' 6" 8"
B	46	Grasshopper/Reinwater	18"-24"	6' 5' CONT
J	17	Juniper all-around affluents	5'-8'	15' 20' 6" 8"
K	15	Green Spotted/Reinwater	1-1/2"	30' 40' 6" 8"

PROPOSED CHANGES

During the first two (2) growing seasons following installation, this plant material shall be watered and fertilized to promote vigorous growth.

Plant material was removed 5 lbs. at 10-2-4 blended fertilizer per plant or 5 lbs. or 10-2-4 blended fertilizer per 1000 of soil surface exposed in the planting area. The fertilizer was applied once before June 30th and once after the plant is dormant, usually November 1st, but before the ground freezes. Each collection had to be thoroughly mixed into the ground.

The plant material that is continuously and regularly monitored, maintains ideal control of fertilizing, weeding, controlling of diseases and insects, pruning and removing and replacing material that is the most species, also, method of handling and in the same location as on the approved plan and that is planted during the most appropriate planting season.

